UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/589,924	06/05/2000	Gregory J. Wolff	074451.P119X	1296

7590 08/01/2003

Michael J Mallie
Blakely Sokoloff Taylor & Zafman LLP
12400 Wilshire Boulevard
7th Floor
Los Angeles, CA 90025

EXAMINER
TRAN, MYLINH T

ART UNIT	PAPER NUMBER
2174	4

DATE MAILED: 08/01/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/589,924	WOLFF ET AL.	
	Examiner	Art Unit	
	Mylinh T Tran	2174	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondenc address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *05 June 2000* .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-37* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-37* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other:

DETAILED ACTION

Drawings

The drawings (figures 1-3) are objected to because they are not clear enough to examine. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

In the abstract, “are described”, “In one embodiment”, “comprises” should be deleted.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-3, 15-17 and 27-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morris et al [US. 6,097,389] in view of Schug [US 2002/0021288].

Claims 1-3, 15-17 and 27-28 are rejected under 35 U.S.C. 102(e) as being anticipated by As to claims 1, 15 and 28, means for displaying the plurality of media objects in reduced visual representations in at least one track (figure 12C, column 5, lines 27-55 and column 14, lines12-23) and means for navigating among the reduced visual representations (column 6, lines 37-49 and column 13, lines 27-37). The difference between Morris et al. and the claim is means for accepting a cartridge having a slot for a memory device to store a plurality of media objects. While Morris shows plurality of media objects, Schug teaches the cartridge having a slot for a memory device at column 2 and column 4. It would have been obvious to one of ordinary skill in the art, having the teachings of Morris et al. and Schug before them at the time the invention was made to modify the memory storing a plurality of media objects as taught by Morris et al. to include a cartridge having a slot for a memory device of Schug in order to disclose "the cartridge having a slot for a memory device to store a plurality of media objects", with the motivation being to be easily for the users to carry removable memory as taught by Schug.

As to claims 2, 3, 16 and 17, while Morris et al. also discloses the plurality of media objects stored in the memory device being transferred to the cartridge, Schug shows the method of the memory device being inserted into the slot and the memory device being a flash memory card (column 2 and column 4).

As to claim 27, Morris et al. demonstrates displaying the plurality of media objects on a television screen (column 4, lines 12-25).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 4-14, 18-26 and 29-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morris et al. [US. 6,097,389] in view of Schug and further in view of Jain et al. [US. 6,567,980].

As to claims 4 and 18, the difference between Morris et al., Schug and the claim is multiple tracks (third track) containing objects and stories. Jain et al. shows the feature at figure 17 while Morris et al. teaches imported objects and authored stories. It would have been obvious to one of ordinary skill in the art, having the teachings of Morris et al., Schug and Jain before them at the time the invention was made to modify the memory storing the first and second track of media objects as taught by Morris et al. and Schug to include third track containing media objects, with the motivation being to display multiple digital image objects allowing the user to efficiently navigate through these objects in the storage as taught by Jain.

As to claim 5, Morris et al. teaches the imported objects being provided from the memory device and comprise the imported stories (column 8, lines 38-55).

As to claims 6, 19, 20 and 30, while Jain et al. shows a third track, Morris et al. demonstrates means for selecting the media object from the first track and/or from the second track (column 2, lines 12-25 and column 5, lines 25-55); means for adding a representation of the selected media object (column 6, lines 25-48); and means for moving one of the authored stores to enable the user to edit the authored story (column 13, lines 15-60).

As to claims 7 and 21, Jain demonstrates means for selecting background music from a plurality of pre-recorded background music songs and means for associating the selected background music with the authored story (column 9, line 58 through column 10, line 8).

As to claims 8 and 22, Morris et al. also teaches the means for selecting comprises a game controller having a joystick and a plurality of control buttons (column 11, lines 18-46).

As to claim 9, while Jain shows the third track, Morris et al. teaches the joystick is used to scroll among the first track, the second track and the third track, and wherein the plurality of control buttons comprise an add button and a delete button for adding and deleting, respectively, the media object in the third track (column 13, lines 15-67).

As to claims 10-13 and 23-26, Morris also shows the joystick and the plurality of control buttons specify an Internet email address to send the plurality of media objects to a recipient and the plurality of control buttons and joystick specify the Internet email address by selecting a plurality of alphanumeric characters with the plurality of control buttons (column 3, lines 47-67 and column 4, lines 40-65).

As to claims 14, 33 and 35, Morris et al. also discloses the memory device being a flash memory card (column 4, lines 40-67 and column 6, lines 15-38).

As to claim 29, while Jain shows the third track, Morris teaches the first and second track (figure 17).

As to claims 31 and 36, Morris et al. demonstrates the controller controls play of a plurality of authored stories, each authored story comprising the plurality of media objects, wherein the authored story generated by the user using the controller to group related media objects (column 10, line 57 through column 11, line 45).

As to claims 32 and 37, while Morris et al. discloses the authored stories in the second track, Jain teaches the authored story in the third track being under construction (column 14, lines 28-67).

As to claim 34, the claim is analyzed as previously discussed with respect to claims 1 and 8.

Conclusion

Responses to this action should be mailed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231. If applicant desires fax a response, (703) 746-7238), may be used for formal After Final communications, (703) 746-7239 for Official communications, or (703) 746-7240 for Non-Official or draft communications. NOTE, A Request for Continuation (Rule 60 or 62) cannot be faxed.

Please label "PROPOSED" or "DRAFT" for information facsimile communications. For after final responses, please label "AFTER FINAL" or "EXPEDITED PROCEDURE" on the document.

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Fourth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mylinh Tran whose telephone number is (703) 308-1304. The examiner can normally be reached on Monday-Thursday from 8.00AM to 6.30PM

If attempt to reach the examiner by telephone are unsuccessful, the examiner 's supervisor, Kristine Kincaid, can be reached on (703) 308-0640,

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more

clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3800.

Kristine Kincaid
KRISTINE KINCAID
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

Mylinh Tran

Art Unit 2174